

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NANCY LEWIS,

Plaintiff,

vs.

No. 09cv0308 DJS/ACT

ECCO,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Alan C. Torgerson's Proposed Findings and Recommended Disposition ("PFR") on Application to Proceed In Forma Pauperis [**Doc. No. 4**], filed on April 3, 2009. On April 13, 2009, Plaintiff filed her Objections to Proposed Disposition of Complaint and Attendant Motion (Doc. No. 5). Defendant has not filed a response to Plaintiff's objections. The Court has conducted a *de novo* review of those portions of the PFR to which Plaintiff objects and has considered the relevant law. Having done so, the Court will overrule Plaintiff's objections and adopt the PFR, in part.

Plaintiff's Complaint names her dog as co-plaintiff, and the Complaint is signed with a "paw print facsimile." Plaintiff objects to Judge Torgerson's finding that the Americans with Disabilities Act of 1990 ("ADA") has no provision that confers upon an animal the right to bring a civil action. *See Goss v. Fairfield Housing Authority*, 2006 WL 1272623 at *4 (D. Conn. March 14, 2006)(holding that there are no provisions in the ADA or any other civil rights statute

that confer upon an animal the right to bring a civil action). The Court overrules this objection. The Court will dismiss with prejudice Plaintiff's dog as a co-plaintiff.

Next, Plaintiff objects to Judge Torgerson's finding that her "Complaint failed to allege that she is a 'qualified person with a disability' or that she has a 'physical or mental impairment that substantially limits one or more of the major life activities of an individual.'" PFR at 3. Based on this finding, Judge Torgerson recommended Plaintiff's Complaint for Civil Rights Violation be dismissed without prejudice. PFR at 4. The Court overrules this objection and adopts Judge Torgerson's recommendation. Plaintiff's Complaint is dismissed without prejudice.

IT IS SO ORDERED.



DON J. SVET
UNITED STATES MAGISTRATE JUDGE